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## Senate

The Senate met at 9:15 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Ever loving and eternal God, source of light that never dims and of the love that never fails, life of our life, parent of our spirits, draw near to us. You are so high that the heaven of heavens cannot contain You, yet You dwell with those who possess a contrite and humble spirit. Thank You for Your kindness and mercy, for showering compassion on all creation. Today, we ask for a special blessing for our Senators. Open their minds to the counsels of eternal wisdom; breathe into their souls the peace which passes understanding. Increase their hunger and thirst for righteousness and feed them with the bread of heaven. Give them the grace to seek first Your kingdom and help them to grow as You add unto them all things needful. Hasten the day when all people shall pay due homage to You, the King of kings. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### RECOGNITION OF MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, this morning at 9:30, we will resume consideration of the nomination of Alberto Gonzales to be Attorney General of the United States. Yesterday, we were able to lock in an agreement on the nomination. We will debate the nomination throughout the course of the morning and the afternoon.

As we all know, at 9 p.m. tonight, the President will deliver the State of the Union Address. Therefore, we will recess at approximately 4:30 this afternoon to accommodate arrangements for that address. I do want to remind our colleagues that we will assemble in the Chamber at 8:30 so we can proceed at 8:40 sharp to the Hall of the House of Representatives.

Tomorrow, we will continue debate on the Gonzales nomination as the order provides, with the vote occurring Thursday afternoon or evening.

### WISHES FOR POPE JOHN PAUL'S QUICK RECOVERY

Mr. FRIST. Mr. President, a couple of comments before we return to the Gonzales nomination. Yesterday, it was reported that Pope John Paul has been hospitalized or had been hospitalized. He had fallen ill with the flu apparently on Sunday. I, along with the American people, wish him a swift and full recovery.

### TORT REFORM

Mr. FRIST. Mr. President, I will close by making a few very brief remarks on Judge Alberto Gonzales. The opportunity is being provided for all Senators to express themselves on this very important nomination. I am confident that the nomination will be confirmed tomorrow afternoon or tomorrow evening. The debate is important, and I encourage all of our colleagues to keep it civil and nonpartisan, as much as practically possible, over the next 48 hours.

I will talk very briefly about a topic the President will speak to tonight, I am quite certain, and that is restoring commonsense balance to our legal system and to our tort system. I mention that because as the Democratic leader and I have agreed, we will be coming to an important aspect of class action reform next week.

I think of Dr. Chet Gentry of the Cumberland Family Care Clinic in Sparta, TN, who does not deliver babies anymore, does not practice obstetrics anymore. When one asks him why, without any hesitation, crystal clear, it is because his insurance premiums grew too high. Simply, he could not afford to deliver babies, and by dropping obstetrics he cut the insurance premiums he has to pay for this privilege of practicing medicine by two-thirds, down from \$38,000 a year to \$14,000 a year. So by not delivering babies, he cuts his insurance premiums down that dramatically. There is an incentive to not take care of moms when they are going through this wonderful process of giving birth.

In a rural community as small as Sparta—and it has a relatively small population, only 5,000 people—losing Dr. Gentry's services for families is a huge blow. Eighteen months ago, that town had five family physicians. Today, there are three doing obstetrics, delivering babies, and only two of them will perform C-sections.

Dr. Gentry—again, I use him as an example—warns:

In this small community of Sparta, which serves several surrounding rural counties, the cost of malpractice insurance is affecting access to care. It's already difficult to recruit physicians to rural areas, and the malpractice crisis threatens to make it worse.

The issue is not just cost, it is not just money, it is access to care, whether it is trauma care or finding an obstetrician who will take care of you through the 9 months of pregnancy and deliver your baby. It is an access issue.

This out-of-control litigation is reaching a crisis point in Tennessee. In

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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